



June 30, 2022

The Honorable Pete Buttigieg
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Buttigieg,

On Friday June 17, the Maryland Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) released with a 30-day availability period the I-495 & I-270 Managed Lanes Final Environmental Impact Statement (FEIS) and appendices, totaling 26,500 pages in 74 separate files.¹ The undersigned organizations request an additional formal 60-day review period be provided, up to and including September 17, 2022, to allow the public and commenting agencies a meaningful opportunity to review this new document – which most notably includes a revised traffic model that was used to evaluate key alternatives and estimate various impacts – that have not previously been released to the public.

The FEIS, when added to the over 19,000-page draft environmental impact statement (DEIS) and over 8,000-page supplemental draft environmental impact statement (SDEIS) that it incorporates by reference, represents 53,500 pages, which is roughly equal to almost four full 2022 sets of the *World Book Encyclopedia*. It is simply not possible to meaningfully review much less comment on four encyclopedia sets worth of information over 18 work days in a 30-day availability period. We therefore ask that you reconsider the early decision by the FHWA division office not to provide a longer review period. More time is necessary to carry out NEPA's core goal of ensuring meaningful public participation.

¹ After years-long review process, final report on I-495/I-270 widening project is released Nearly 500-page 'environmental impact statement' has more than 26,000 pages of appendices, Louis Peck, June 18, 2022, <https://bethesdamagazine.com/bethesda-beat/transportation/after-years-long-review-process-final-report-on-i-495-i-270-widening-project-is-released/>

According to MDOT's own FEIS press release, it has "modified analysis methodologies, conducted new analyses, studied new or modified existing alternatives, refined design ... , and identified ... mitigation ... [and] unavoidable impacts." The FEIS also includes a new environmental justice analysis never before released to the public. This is not the subject matter of a final EIS but of a supplemental DEIS, which must have a meaningful and proportional public comment period. Finally, with 5,000 comments submitted on the project and MDOT's responses to those comments of varying length and complexity, it is a substantial effort to review those responses for sufficiency and technical accuracy and merit.

With those kinds of significant changes entailing voluminous new material, with new questions about Maryland constructing toll lanes in Virginia,² and with a contentious two-state project that will open up Maryland to 70+ miles of privatization of public transportation infrastructure, it is imperative that the FHWA exercise its oversight role to require that this document receive no less than an additional 60-day review period as was provided for the SDEIS.

As is underscored by the MDOT press release, federally required analyses were not presented to the public with a formal comment period.³ Some key analyses previously presented were incorrect,⁴ and the current versions presented as correct do not explain how the previous errors occurred or how they were fixed. So, the public has no basis on which to verify their accuracy.

The National Environmental Policy Act (NEPA) and relevant DOT and FHWA Orders require accurate environmental analyses and meaningful public participation throughout the NEPA process. These requirements can only be met if

² MDOT's Plan to Build Toll Lanes in Fairfax is an Unwelcome Surprise to Some Virginians, Bruce DePuyt, June 16, 2022, <https://www.marylandmatters.org/2022/06/16/mdots-plan-to-build-toll-lanes-in-fairfax-is-an-unwelcome-surprise-to-some-virginians/>

³ In a notice of actions following the issuance of President Biden's Executive Order 13990 on January 20, 2021, the Council on Environmental Quality made clear that decisions must consider environmental effects of proposed actions, including greenhouse gas emissions, and must involve the public in the decision-making process. The SDEIS for this project did not include a GHG emissions analysis, deferring it to the FEIS, seven months after the close of the formal public comment process.

⁴ The significant critiques of flawed traffic modeling were admitted to "have merit" in the 69th file of the FEIS. T.2.B, Volume 2_SDEIS Community Organization Comments and Responses at CO-828, https://oplanesmd.com/wp-content/uploads/2022/06/68_MLS_FEIS_App-T-DEIS-SDEIS-CR_T.2.B_Volume-2_June-2022p.pdf

the document issued on June 17 is re-designated to be an interim rather than final document and allotted a meaningful and proportional comment period. As noted before, an FEIS for this project should also have a public comment period of at least 60-90 days.⁵ Adequate formal public review periods are needed for both an interim document and for an FEIS to ensure that the public has adequate time for meaningful review of the project's impacts.

The undersigned urge you to uphold federal regulations and provide a meaningful review period that will afford the public an adequate opportunity to review and comment on the new information prior to the issuance of a Record of Decision. This issue has been flagged for FHWA and MDOT repeatedly since January 2022 in letters from Sierra Club Maryland Chapter,⁶ the Mayor and Council of Rockville,⁷ 82 legislators in the Maryland General Assembly,⁸ 10 Prince George's County mayors,⁹ the Montgomery County Executive,¹⁰ 32 civic and environmental groups,¹¹ multiple members of Congress,¹² and now dozens more groups.

We look forward to your prompt action on this critical, time-sensitive issue.

Sincerely,

⁵ Sixty and 75-day FEIS review periods have been provided for other recent highway projects, such as the I-26 Connector in Asheville, NC and the I-45 in Houston, TX.

⁶ Sierra Club Maryland Chapter letter to FHWA and MDOT, January 4, 2022, <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/maryland-chapter/SC-Letter-495270MLS-SDEIS-FEISReviewPd-2022Jan4.pdf>

⁷ Mayor and Council of Rockville letter to FHWA and MDOT, January 26, 2022, <https://static1.squarespace.com/static/5b72c6a8da02bc640472bf8c/t/61fee871b03f6828336629d3/1644095602555/FHA+Letter+FINAL+012622%281%29.pdf>

⁸ Maryland General Assembly letter to FHWA and MDOT, February 22, 2022, https://mcusercontent.com/6cdc39da7c0238a0521e24885/files/932d6527-1fc6-5b38-81ac-cba0cf957ae1/FWHA_Letter.pdf

⁹ 10 Prince George's County mayors letter to FHWA and MDOT, February 26, 2022, https://9cb12f8b-0595-4233-98ce-142d43d80a5c.usrfiles.com/ugd/9cb12f_feceda725e324136bb9f7cd6f54b9f33.pdf

¹⁰ Montgomery County Executive letter to FHWA and MDOT, March 10, 2022, https://9cb12f8b-0595-4233-98ce-142d43d80a5c.usrfiles.com/ugd/9cb12f_5ea4194f64224e46b8a0a4706f543f59.pdf

¹¹ 32 civic and environmental groups letter to Secretary Buttigieg, June 3, 2022, https://www.cabe495.com/_files/ugd/9cb12f_3ea64a8478ba48438955d198aefc629f.pdf

¹² Letter addressed to Secretary Buttigieg.

Sierra Club Maryland Chapter
Anacostia Watershed Community Advisory Committee
Audubon Mid-Atlantic
Audubon Naturalist Society
Beaverdam Creek Watershed Watch Group
Biodiversity for a Livable Climate
Brandywine TB Southern Region Neighborhood Coalition
Cabin John Citizens Association
Canoe Cruisers Association
Carderock Springs Citizens Association
Cedar Lane Ecosystems Study Group
Central Maryland Transportation Alliance
Chesapeake Climate Action Network
Citizens Against Beltway Expansion
Clean Water Action
Climate Xchange
Coalition for Smarter Growth
Defensores de la Cuenca
Delegate Lorig Charkoudian, Maryland General Assembly
DontWiden270.org
DoTheMostGood
Downtown Residents Advocacy Network (Baltimore)
Environmental Justice Ministry Cedar Lane Unitarian Universalist Church
Friends of Moses Hall and The Board of Trustees of Morningstar Tabernacle
Number 88, Incorporated
Friends of Sligo Creek
Greenbelt Climate Action Network
Glen Echo Heights Mobilization

Greater Farmland Civic Association
HoCo Climate Action
Indivisible Howard County
ISCA - Do Not Expand 495
Maryland Coalition for Responsible Transit
Maryland Conservation Council
Maryland League of Conservation Voters
Maryland Legislative Coalition
Maryland Native Plant Society
Maui Wowi
Mayor Bridget Donnell Newton, City of Rockville
Mayor Patrick Wojahn, City of College Park
National Parks Conservation Association
Neighbors of the Northwest Branch
North Hills of Sligo Creek Civic Association
Our Revolution Maryland
Prince George's County Peace and Justice Coalition
Promenade Towers Mutual Housing Corporation
Rock Creek Conservancy
Rock Creek Hills Citizens' Association
Rogue Tulips LLC
Save BARC
Strong Future Maryland
Takoma Park Mobilization Environment Committee
The Climate Mobilization, Montgomery County Chapter
The Ocean Foundation
Transform Maryland Transportation Coalition

Transit Choices

Union of Concerned Scientists

Unitarian Universalist Legislative Ministry of Maryland

Urban Breezes

Washington Area Bicyclist Association

Washington Biologists' Field Club

Well Mind Association of Greater Washington

Woodside Forest Civic Association

Cc:

Ms. Polly Trottenberg, Deputy Secretary, U.S. Department of Transportation

Ms. Stephanie Pollack, Acting Administrator, Federal Highway Administration

Mr. Gregory Murrill, Division Administrator, Federal Highway Administration

Mr. James Ports, Maryland Secretary of Transportation

Mr. Adam Ortiz, Division Administrator, U.S. Environmental Protection Agency

Ms. Tammy Stidham, Deputy Associate Area Director - Lands and Planning,
National Park Service

U.S. Congressman Anthony Brown

U.S. Congressman Jamie Raskin

U.S. Senator Ben Cardin

U.S. Senator Chris Van Hollen